

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 22, 2002

APPLICATION OF

METETHER COMMUNICATIONS OF
VIRGINIA, LLC

CASE NO. PUC-2002-00149

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

ORDER FOR NOTICE AND COMMENT

On October 10, 2002, MetEther Communications of Virginia, LLC ("MetEther" or "Applicant"), completed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that MetEther's application should be docketed; that the Applicant should give notice to the public of its application; that interested parties should have an opportunity to comment and request a hearing on MetEther's

application; and that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC-2002-00149.

(2) On or before November 6, 2002, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
METETHER COMMUNICATIONS OF VIRGINIA, LLC,
FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE AND
INTEREXCHANGE TELECOMMUNICATIONS SERVICES
THROUGHOUT THE COMMONWEALTH OF VIRGINIA
CASE NO. PUC-2002-00149

On October 10, 2002, MetEther Communications of Virginia, LLC ("MetEther" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through

Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from MetEther's counsel, E. Ashton Johnston, Esquire, or Vincent M. Paladini, Esquire, Piper Rudnick, 1200 Nineteenth Street, N.W., Washington, D.C. 20036-2412.

Any person desiring to comment on MetEther's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments in writing on or before November 20, 2002, to the Clerk of the Commission at the address set out below and shall serve a copy of the same on or before November 20, 2002, upon MetEther's counsel at the address set forth above.

Any person may request a hearing on MetEther's application by filing an original and fifteen (15) copies of its request for hearing on or before November 20, 2002, with the Clerk of the Commission at the address set out below. Requests for hearing must state with specificity why a hearing should be conducted. Persons filing a request for hearing shall serve a copy of their request on or before November 20, 2002, upon MetEther's counsel at the address set forth above.

All written communications to the Commission concerning MetEther's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC-2002-00149.

METETHER COMMUNICATIONS OF VIRGINIA, INC.

- (3) On or before November 6, 2002, Applicant shall provide a copy of the notice contained in ordering paragraph two (2) to

each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(4) Any person desiring to comment in writing on MetEther's application for certificates to provide local exchange and interexchange telecommunications services may do so by directing such comments on or before November 20, 2002, to the Clerk of the Commission at the address set forth below. On or before November 20, 2002, a copy of such comments shall be served on MetEther's counsel, E. Ashton Johnston, Esquire, or Vincent M. Paladini, Esquire, Piper Rudnick, 1200 Nineteenth Street, N.W., Washington, D.C. 20036-2412. Comments must refer to Case No. PUC-2002-00149.

(5) On or before November 20, 2002, any person wishing to request a hearing on MetEther's application for certificates to provide local exchange and interexchange telecommunications services shall file an original and fifteen (15) copies of its request for hearing in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written requests for hearing shall refer to Case No. PUC-2002-00149 and shall state

the following: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Copies shall also be served on the Applicant at the address set forth above.

(6) On or before December 2, 2002, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(7) The Commission Staff shall analyze the reasonableness of MetEther's application and present its findings in a Staff Report to be filed on or before December 20, 2002.

(8) On or before December 30, 2002, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the Staff Report or parties' objections and requests for hearing. A copy of the response shall be delivered to Staff and the other parties by overnight delivery.

(9) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Parties shall provide to the Applicant, other additional parties, and Staff any workpapers or documents used in preparation of their requests for hearing, promptly upon

request. Except as so modified, discovery shall be in accordance with Part IV of the Rules.

(10) The Applicant shall respond promptly to requests from interested parties for copies of the Application and shall provide one copy of same free of charge to the requesting party.

(11) This matter is continued generally.